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Attorney's Docket: 2001US406

Serial No.: 10/001,293

Group: 1621

REMARKS

The Office Action mailed December 22, 2004, has been carefully considered together with the reference cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-11 are pending in this Application.

The Office rejects claims 1-11 under 35 USC § 102(b) as being anticipated by Bara (EP 0862913). This rejection is respectfully overcome.

The Office is of the position that Bara, on page 2, lines 32-50 "anticipate the instant claims in terms of a mixture comprising one silicon oil, one organic oil and at least one organomodified silicon oil." Applicant can not agree with this interpretation of Bara. Referring to the enclosed English abstract of EP 0862913, Bara's composition is defined as having a mixture of:

- (a) at least a silicone rubber;
- (b) at least a vegetable oil or a synthetic triglyceride;
- (c) at least one volatile silicone such as
alkylpolymethylpolysiloxane corresponding to formula (1) . . .

On page 2, line 32, of Bara, element (a) of its mixture is defined as at least a silicone gum as evidenced by the enclosed machine translation of such phrase.

Applicant's invention, as defined by independent claim 1, is directed to a mixture comprising at least one silicone oil, at least one organic oil, and at least one organomodified silicon oil.

A proper rejection under 35 USC § 102 requires the prior art reference to disclose each and every element of an applicant's claimed invention. Here, Bara

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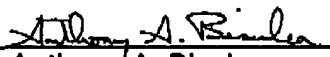
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does not disclose, teach, or suggest at least one silicon oil. In contrast, Bara is directed to a composition including a silicone gum or a silicone rubber, neither of which constitutes a silicone oil. A silicon oil, silicone gum and silicone rubber are chemically distinct entities having different characteristics and functions. As Bara does not disclose the use of a silicon oil in its composition, it is respectfully contended that Bara can not anticipate the instantly claimed invention.

For at least this reason it is respectfully contended that the 35 USC § 102 rejection has been overcome. Applicants therefore respectfully request reconsideration and withdrawal of the rejection.

~~In view of the forgoing amendments and remarks, the present Application is~~
believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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